

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF ILLINOIS

MARIANN WRIGHT,)	
)	
PLAINTIFF,)	
)	
Vs.)	Case No.3:12-cv-753 WDS-DGW
)	
NATIONAL HEALTHCARE COLLECTIONS,)	
)	
DEFENDANT.)	

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, MARIANN WRIGHT, by and through her attorneys, Alleman & Hicks, and for her Complaint against the Defendant, NATIONAL HEALTHCARE COLLECTIONS, for violations of the FAIR DEBT COLLECTIONS PRACTICES ACT, (FDCPA) states as follows:

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. 1331 and 15 U.S.C. 1692k(d) which states that such actions may be brought and heard before "any appropriate United States District Court without regard to the amount in controversy."
2. This action arises from the Defendant's violation of the Fair Debt Collections Practices Act, 15 U.S.C. 1692 et seq (FDCPA).
3. Venue in this District is proper under 28 USC 1391(b) because the acts and transactions occurred here; and the Plaintiff is a resident of Carterville, Illinois.

PARTIES

4. The Plaintiff, MARIANN WRIGHT, is a natural person who resides in Marion, County of Williamson, State of Illinois, and is a "consumer" as that term is defined by 15 U.S.C.1692a(3). Mariann Wright has been formerly known as "Mariann Tope" and "Mariann Steele"

5. "NATIONAL HEALTHCARE COLLECTIONS" is a collection agency operating from an address of 700 Spirit of St. Louis Blvd, Suite B, Chesterfield, Missouri and is a "debt collector" as that term is defined by 15 U.S.C. 1692a(6) and sought to collect a consumer debt from the Plaintiff.
6. The Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

7. Prior to January 18, 2012, the Plaintiff, MARIANN WRIGHT, incurred a financial obligation to medical facility that was primarily personal and is therefore a "debt" as that term is defined by 15 U.S.C. 1692a(5).
8. Sometime thereafter the alleged debt was consigned, placed or otherwise transferred to the Defendant, NATIONAL HEALTHCARE COLLECTIONS, for collection from the Plaintiff, MARIANN WRIGHT.
9. In October, November and December 2011 the Defendant, through their duly authorized agents and employees, constantly and continuously placed collection calls to the Plaintiff seeking and demanding payment of the alleged debt.
10. The Defendant, through their duly authorized agents and employees contacted the Plaintiff from telephone number (877) 313-4138 multiple times a day seeking payment of the alleged debt.
11. The Defendant has failed to identify itself as a debt collector in numerous phone calls with the Plaintiff.
12. The Defendant has threatened to file a lawsuit against the Plaintiff if she did not pay the alleged debt.
13. Prior to January 18, 2012, the Plaintiff advised the Defendant that she was represented by counsel and advised the Defendant to contact her attorney. The Defendant refused to contact Plaintiff's counsel and continued to make contact with her in an attempt to collect the alleged debt.

14. On January 18, 2012, the Plaintiff filed for protection from creditors and filed a Chapter 7 bankruptcy in the Southern District of Illinois, Case No. 12-40047.
15. The Defendant violated 15 U.S.C. 1692d by engaging in conduct the natural consequence of which was to harass, oppress and / or abuse the Plaintiff.
16. The Defendant violated 15 U.S.C. 1692d(5) by causing a telephone to ring repeatedly and continuously with the intent to annoy, harass and abuse the Plaintiff.
17. The Defendant violated 15 U.S.C. 1692d(6) by placing telephone calls without meaningful disclosure of the caller's identity.
18. After January 18, 2012, the Plaintiff advised the Defendant that she had filed a Chapter 7 bankruptcy and advised that they should contact her attorney, and she provided the name and phone number of her attorney.
19. On June 27, 2012, the Defendant again contacted the Plaintiff by phone, despite knowing that she had filed bankruptcy and discharged all of her debts; and despite knowing that she was represented by counsel.
20. On June 27, 2012, the Defendant harassed, ridiculed, and abused the Plaintiff by yelling at her and hanging up the phone while she was again telling them to contact her attorney.
21. Due to the illegal acts of the Defendant, the Plaintiff has incurred and suffered mental anguish.

TRIAL BY JURY

22. The Plaintiff, MARIANN WRIGHT, is entitled to and hereby respectfully **DEMANDS TRIAL BY JURY.**

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, MARIANN WRIGHT, prays that Judgment be entered against the Defendant, NATIONAL HEALTHCARE COLLECTIONS, as follows:

- For an award of actual damages pursuant to 15 U.S.C. 1692(a)(1);
- For an award of statutory damages in an amount of \$ 1,000.00 pursuant to 15 U.S.C. 1692(a)(2)(A) for each violation of the Act;
- For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. 1692k(a)(3);
- For such other and further relief as may be just and proper.

DATED: June 29, 2012.

Respectfully submitted,
ALLEMAN & HICKS

/s/ John D. Alleman

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